

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HD SUPPLY CONSTRUCTION)
SUPPLY, LTD.,)
)
Plaintiff,)
) Civil Action No.: 1:19-cv-02750-SDG
v.)
) **JURY TRIAL DEMANDED**
REEF R. MOWERS,)
WASHOUTPAN.COM, LLC)
)
Defendants.)

**PLAINTIFF HD SUPPLY CONSTRUCTION SUPPLY, LTD'S NOTICE OF
COMPLIANCE WITH THE COURT'S SEPTEMBER 28, 2020 JOINT
PRELIMINARY REPORT AND DISCOVERY PLAN**

COMES NOW, Plaintiff HD Supply Construction Supply, LTD. (“HDS”) files its Notice of Compliance with the Court’s September 28, 2020 Order (“September Order”) regarding the filing of the Joint Preliminary Report and Discovery Plan (“JDP”).

HDS has made five separate attempts since October 20, 2020 to meet and confer with counsel for Defendants to discuss the JDP in an effort to comply with the September Order. See **Exhibit A** attached hereto. In fact, Plaintiff provided a draft of its proposed JDP to opposing counsel on October 23, 2020 in response to

their request for the same. See **Exhibit B** attached hereto.¹

However, on October 26, 2020, Defendants' attorney, Stephen Rothschild, represented to counsel for HDS that his firm, King, Holmes, Paterno & Soriano LLP, and its local counsel, Arnall Golden Gregory, LLP "are filing a certificate of withdrawal shortly." See **Exhibit C** attached hereto. Defense counsel has not offered to further participate in a meet and confer to discuss the JDP. Later that same day, Defense counsel filed their Certificate of Consent to Withdrawal [Dkt. 80]. However, the Certificate does not identify any new counsel that will be representing the Defendants in this action.

As a result, HDS does not know what attorney, if any, will be representing the Defendants. Moreover, HDS is reluctant to attempt to contact Defendant Reef Mowers directly given that counsel for HDS' also represents HDS in the two cases filed by Washoutpan.com, LLC that are currently pending in California and for which Mr. Rothschild and his firm King, Holmes, Paterno & Soriano LLP currently remain counsel of record. Counsel for HDS has also been specifically instructed by Mr. Rothschild on October 20, 2020 not to contact Mr. Mowers directly. As a result, HDS files the instant Notice to the Court providing its proposed JDP and to show that it repeatedly sought to meet and confer in an effort

¹ Exhibit B reflects HD Supply's Proposed JDP but electronic signatures of defendants' counsel have been removed.

to comply with the Court's September Order, but its hands are tied given that it has no one with whom it can meet and confer regarding the JDP.

HDS respectfully requests that the Court enter an Order, ordering Mr. Mowers to obtain new counsel and that that new counsel file a notice of appearance within 15 Days, or if Mr. Mowers will proceed pro se, that Mr. Mowers notify the court within the same time. Additionally, an LLC must be represented by an attorney in Georgia and may not proceed pro se. Sterling, Winchester & Long, LLC v. Loyd, 280 Ga. App. 416, 417 (2006) ("limited liability companies must be represented by attorneys in courts of record"); see also Jackson v. P & K Rest. Enter., LLC, 2019 U.S. Dist. LEXIS 223426, *3 (N.D. Ga. 2019). As a result, HDS respectfully requests that the Court also enter an Order, ordering Washoutpan.com LLC to obtain new counsel and that that new counsel file a notice of appearance within 15 days.

Respectfully submitted, this 27th day of October, 2020.

**GORDON REES SCULLY
MANSUKHANI, LLP**

/s/ V. Phillip Hill IV
Chad A. Shultz
Georgia Bar No. 644440
V. Phillip Hill IV
Georgia Bar No. 637841

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CERTIFICATE OF COMPLIANCE WITH LR 7.1(D)

Pursuant to LR 7.1(D), counsel for Plaintiff certifies that the foregoing document has been prepared with Times New Roman font (14 point) approved by the Court in LR 5.1(B).

This 27th day of October 2020.

/s/ V. Phillip Hill IV

COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2020, I electronically filed the foregoing

PLAINTIFF HD SUPPLY CONSTRUCTION SUPPLY, LTD'S NOTICE OF
COMPLIANCE WITH THE COURT'S SEPTEMBER 28, 2020 JOINT

PRELIMINARY REPORT AND DISCOVERY PLAN with the Clerk of Court

using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record, according to the Court's Electronic Mail Notice List.

This 27th day of October 2020.

/s/ V. Phillip Hill IV

COUNSEL